

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10426 of 2022

Dillip Kumar Moharana @ Babu ***Petitioner***
Mr.P.K.Mishra, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr.M.K.Mohanty, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

06.09.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for both the parties and perused the records.
3. It is submitted by the learned counsel for the Petitioner that the principal accused Gagan Samal and Ganesh Sahu @ Babu have been released on bail by the learned court below.
4. The Petitioner is apprehending his arrest for the alleged commission of offence under Sections 457, 380 of the Indian Penal Code in G.R.Case No.1728 of 2022 arising out of Kandarpur P.S. Case No.117 of 2022 of the Court of the learned J.M.F.C.(R), Cuttack.
5. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner.
6. However, on the submission of the learned counsel, the

Petitioner is given liberty to surrender before the learned J.M.F.C.(R), Cuttack in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioner may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner, if applied for.
8. The ABLAPL is accordingly disposed of.
9. Issue urgent certified copy of the order as per Rules.

(*A.K. Mohapatra*)
Judge